IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 330 OF 2005.

Adam H.Bepari
since deceased through LRs.
Sadique Adam Bepari and others. ... Petitioners.
Versus.
The Chief Officer,
Satara Municipal Council, Satara. ... Respondent.

Shri Sugandh B.Deshmukh for the Petitioners.

Shri P.B.Shah for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 26th April, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. The Petitioners have alleged that the Respondent has committed a breach of the Judgment and Order dated 30th September 2004 passed by a Division Bench of this Court in Writ Petition No.9283 of 2003. In the said order a statement of the Advocate appearing for the Petitioner was recorded that they were agreeable to shift to the proposed site of slaughter house annexed as R3 to the affidavit dated 26th September 2004 which was placed on record of the writ petition. The Division Bench observed that the said site will be a temporary site until regular site is allotted by the State Government in consultation with the Satara Municipal Council. The order records that the temporary site is the same as decided by the Municipal Council vide Resolution No.578. Clause 2 of the order of the

Division Bench reads thus:

> "2. The State Government and the Municipal Council will see to it that a permanent site is provided to the Petitioners at the earliest which should be preferably within six months from today and in any case by the end of May 2005. We also clarify that if the Petitioners require any police protection at the time of construction or a few days thereafter, the same will be made available by the State Government. The Police authorities of the town are directed to take necessary steps."

2. My attention has been invited to the third paragraph of the affidavit of the contemnor filed in this contempt petition. In the said paragraph the contemnor has stated thus:

> "I say that the Respondent had vide their Resolution No.578 dated 16.08.2004 allotted land bearing Survey Nos.408, 409 and 410 to the Petitioner and others as temporary arrangement for carrying on the business of Slaughter House. The same was communicated to all the affected persons vide their letter

> dated 18.08.2004, a copy of which is annexed hereto and marked Exhibit A, and they were directed to make construction at their cost, but no steps were taken by any of them."

In the 5th paragraph of the same affidavit, the contemnor has stated that the District Collector had already passed an order and has allotted a land bearing Gat No.988 admeasuring 20 R at village Limb, District Satara to the Petitioners.

3. The grievance of the Petitioners in this contempt petition is that the contemnor has violated the said order by not making temporary site available. Shri Shah appearing for the contemnor reiterated what is stated in the third paragraph of the reply filed by the contemnor. He stated that in terms of the Resolution No.578, the land bearing survey No.408, 409 and 410 is still available and the Petitioners can taken possession of the same as a temporary arrangement for carrying on the business of slaughter house.

4. The Petitioners have made some grievance about the allotment of land bearing Gat No.988. It is always open for the Petitioners to make appropriate representation in that behalf in terms of the order of the Division Bench. The contemnor has shown willingness

to offer temporary site till the Petitioners take possession of the permanent accommodation allotted by the Collector. It is thus obvious that this is not a case of a deliberate or willful breach of the order passed by the Division Bench.

5. In view of the statements made in the affidavit-in-reply, no further steps are required to be taken against the Respondent/contemnor. Accordingly the notice issued to the Respondent is discharged and the contempt petition is disposed of.

Judge.